

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|-------------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA ex rel., |) | |
| and |) | |
| William L. Fry |) | |
| 1113 Gerloch Drive |) | |
| Erie, PA 16505 |) | |
| |) | Civil Action No. 04-316E |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | FILED UNDER SEAL |
| FIRST INVESTMENT COMPANY |) | PURSUANT TO |
| OF COLUMBUS, OHIO, |) | 31 U.S.C. Sec. 3730(b)(2) |
| an Ohio Corporation, |) | |
| and |) | |
| EVERHOME MORTGAGE COMPANY, |) | |
| formerly ALLIANCE MORTGAGE COMPANY, |) | |
| OF JACKSONVILLE, FLORIDA, |) | |
| a Florida Corporation, |) | |
| and |) | |
| UNKNOWN MORTGAGE COMPANY A |) | |
| and |) | |
| UNKNOWN MORTGAGE COMPANY B |) | |
| and |) | |
| UNKNOWN MORTGAGE COMPANY C |) | |
| |) | |

ORDER

The United States having declined to intervene in this
action pursuant to the False Claims Act, 31 U.S.C.

§ 3730(b)(2)(A), the Court rules as follows:

IT IS ORDERED that,

1. the complaint be unsealed and served upon the defendant
by the relators;

2. that all other contents of the Court's file in this
action remain under seal and not be made public or served upon
the defendants, except for this Order and the United States'

Notice of Election to Decline Intervention, which the relators will serve upon the defendant only after service of the complaint;

3. that the seal be lifted as to all other matters occurring in this action after the date of this Order; and

4. that henceforth the parties serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C.

§ 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. that all orders of this Court shall be sent to the United States; and that

6. should the relators or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED,

This ____ day of _____, 2006.

UNITED STATES DISTRICT JUDGE

cc: Robert L. Eberhardt,
Assistant U.S. Attorney

David Leviss
United States Department of Justice
Civil Division
Commercial Litigation Branch
P.O. Box 261
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